

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: Senate Bill 382

COMMITTEE: Environmental Matters Committee

POSITION: Support with Amendments

TITLE: Marine Contractors – Licensure and Regulation – Wetland Permits and Authorizations

BILL ANALYSIS: Senate Bill 382 (SB382) requires the Maryland Department of the Environment (MDE) to develop, implement, and administer a new marine contractor licensing program. The Bill also affects MDE’s wetlands and waterways regulatory program by establishing processing standards designed to expedite the application review process for tidal wetlands licenses.

POSITION AND RATIONALE: The Department supports SB382 with amendments. The development of a marine contractor licensing program will provide public protection by developing occupational standards that do not currently exist and will allow the public to obtain information on marine contracting businesses more easily. The program will also help to “weed out” incompetent or unscrupulous contractors through general and occupation-specific education requirements, testing, and background checks.

While the processing standards established in SB382 will be challenging to meet, they are consistent with the customer service goals established in 2008 by House Bill 1056, which established application fees for MDE’s Wetlands and Waterways Program. The processing standards established in SB382, however, are insufficient because they do not provide MDE the flexibility necessary to perform a reasonable review of some applications and will even prevent the consideration of some applications. Often, applicants are required to provide additional information and request extensions. Likewise, weather events, like extensive rain or the snow we experienced this winter prevent the Department from making necessary site visits. As amended, MDE would be forced to deny permits where this occurs and the 45 day review can not be met. This would cause the property owner to reapply and pay additional fees. Consequently, the Department has proposed amendments which will allow MDE to extend the time frames to complete the review process for the following extenuating circumstances: (1) Inclement weather conditions; (2) Review required by a federal, state, or local government agency; or (3) A request by an applicant.

FOR MORE INFORMATION,
CONTACT LISA NISSLEY
410-260-6301 ANNAPOLIS
410-537-3812 BALTIMORE

BY: Department of the Environment

AMENDMENTS TO SENATE BILL 382
(Third Reading File Bill)

AMENDMENT

On page 7, in line 14, after “COMPLETE.”, insert:

“(3) THE DEPARTMENT, UPON WRITTEN NOTICE TO THE APPLICANT, MAY EXTEND THE 45-DAY TIME PERIOD WHEN THE FOLLOWING EXTENUATING CIRCUMSTANCES PREVENT CONSIDERATION OF THE APPLICATION:

(I) INCLEMENT WEATHER CONDITIONS;

(II) REVIEW REQUIRED BY A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY; OR

(III) A REQUEST BY AN APPLICANT.”

On page 7, in line 15, insert “(1)” after “(D)”. On page 7, in lines 18 and 20, strike “(1)” and “(2)” respectively and insert “(I)” and “(II)” respectively. On page 7, in line 21, after “BOARD.”, insert:

“(2) THE DEPARTMENT, UPON WRITTEN NOTICE TO THE APPLICANT, MAY EXTEND ITS ACTION BEYOND THIS 45-DAY TIME PERIOD FOR AN ADDITIONAL 30 DAYS FOR THE FOLLOWING EXTENUATING CIRCUMSTANCES:

(I) REVIEW REQUIRED BY A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY; OR

(II) A REQUEST BY AN APPLICANT.”